



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

HD:hd

Docket No: 00302-99

27 March 2000

LT [REDACTED] USNR  
[REDACTED]  
[REDACTED]

Dear Lieutenant [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 23 March 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by the Bureau of Medicine and Surgery (BUMED) dated 7 May 1999, a copy of which is attached, with references (a), (b) and (d), the Pers-06L1 memorandum dated 9 April 1992 and the Pers-211M3 memorandum dated 31 October 1991. The Board also considered your letters dated 17 June 1999 and 12 March 2000.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the advisory opinion in finding that you were not entitled to additional service credit as outlined in Naval Military Personnel Manual (MILPERSMAN) 1020130 (as a matter of information, the Board found no subparagraph (5) in paragraph 3b of MILPERSMAN 1020130). They noted the legal opinion of 9 April 1992 cited in reference (b) of the BUMED advisory opinion specifically stated, in paragraph 5, "There is no requirement to make the above discussion retroactive." They found nothing unjust about the length of time between the issuance of the legal opinion and the 1 April 1997 effective date of the new policy it outlined. In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director

Enclosure



DEPARTMENT OF THE NAVY  
BUREAU OF MEDICINE AND SURGERY  
2300 E STREET NW  
WASHINGTON DC 20372-5300

IN REPLY REFER TO

1120  
Ser 525/99-3037  
7 May 99

From: Chief, Bureau of Medicine and Surgery  
To: Board for Correction of Naval Records

Subj: ADVISORY OPINION ICO LIEUTENANT M [REDACTED] MSC, USN,  
[REDACTED]

Ref: (a) Program Authorization 115 of 8 May 89  
(b) Memorandum to MED-511 Staff of 23 Apr 97  
(c) SECNAVINST 1120.81B  
(d) BUPERS memo Ser 211M3/2U580634 of 19 Jan 93

Encl: (1) BCNR File ICO Lieutenant [REDACTED]

1. Returned, recommending no action. Lieutenant [REDACTED], awarded proper entry grade credit (EGC).
2. Per reference (b) Lieutenant [REDACTED] not entitled to constructive service credit because his master's degree was his qualifying degree. Prior to 1 April 1997, no entry grade credit was awarded for a qualifying master's degree when the bachelor's degree was in an unrelated field. His bachelor's degree was in English instead of the required Health Care Administration or Business/Management-Sciences related areas.
3. As stated in reference (a), effective 1 April 1997, EGC is awarded for all advanced degrees earned prior to commissioning regardless of the undergraduate degree, if the advanced degree becomes the qualifying degree or specifically relates to the designated specialty. The 1997 change is not retroactive.
4. Credit for experience was not granted because reference (c) under Qualification 4, states that only specific specialties are eligible for experience credit. These specialties are identified annually. Reference (d) lists the eligible specialties and Health Care Administration is not one of those identified to receive credit for experience.
5. Your point of contact for further information is Lieutenant Commander [REDACTED] NC, USNR, who may be reached at [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

By direction